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**Attorneys for Plaintiff**

United States District Court  
Eastern District Of California

Jerry Doran,

Case No. Civ.S-04-0003 FCD PAN

Plaintiff,

**Order**

vs.

JJ Motels dba Super 8 Motel;  
and DOES 1 through 10,

Defendant.

Plaintiff Jerry Doran filed this action against defendant JJ Motel for violating Title III of the Americans with Disabilities Act ("ADA") and related state disabled access laws at the Super 8 Motel located in Auburn, California ("the Motel"). He avers that defendant denied him full and equal enjoyment and use of the motel, and failed to remove barriers that violate federal disability access standards, viz., the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") codified at Appendix A of 28 C.F.R. Part 36, and Title 24 of the California Building Code ("CBC").

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1 By way of a motion for summary judgment, Doran sought  
2 damages pursuant to the Unruh Civil Rights Act ("Unruh Act"),  
3 Calif. Civil Code § 52(a), and injunctive relief pursuant to the  
4 ADA, 42 U.S.C. § 12188(a)(2). Because defendant does not oppose  
5 the motion (see Non-Opp'n, filed May 13, 2005), the court orders  
6 the following:

7 **Injunctive relief:**

8 Defendant will remediate the following barriers within one  
9 year of the issuance of this order:

10 1. The Motel's (outside) fire extinguishers may protrude  
11 no more than four inches into the path of travel, and must  
12 comply with ADAAG § 4.4.1 and CBC § 1133B.8.6.1.

13 2. The Motel's walks and pedestrian ways must have a grate  
14 with less than a 1/2 inch space, and comply with ADAAG §  
15 4.5.4 and CBC § 1133B.7.2.

16 3. The Motel's accessible route of travel must have a ramp  
17 over abrupt changes, and comply with ADAAG ' 4.5.2 and CBC '  
18 1133B.7.4.

19 4. The Motel=s sidewalk (at the driveway) and outside  
20 hallway/walkway path of travel must have a cross-slope less  
21 than 2%, and comply with CBC § 1133B.7.1.3 and ADAAG §  
22 4.3.7.

23 5. The floor mats at the Motel must be secured to the  
24 floor, and comply with CBC § 1124B.3 and ADAAG § 4.5.3.

25 6. The Motel's front office must provide an aisle of 36  
26 inches in width for a wheelchair to access the vending  
27 machine, and comply with ADAAG § 4.3.3 and CBC § 1133B.6.2.

28 7. The Motel's van accessible parking space must have the

1 "Van Accessible" sign, and comply with ADAAG § 4.6.4 and CBC  
2 § 1129B.5.

3 8. The Motel must provide tow-away signage, and comply  
4 with Calif. Vehicle Code § 22511.8(d), CBC § 1129B.5 and  
5 Department of Transportation R 100B.

6 9. The Motel's existing disabled parking stall must be at  
7 least 9 feet wide with an access aisle of 5 feet wide and  
8 have the words "NO PARKING" painted across the access  
9 aisles, and comply with CBC § 1129B.4.

10 10. The Motel's van accessible access aisle must be at  
11 least 8-feet wide, and comply with CBC § 1129B.4 and ADAAG §  
12 4.6.3.

13 11. The ramp adjacent to the Motel's accessible parking  
14 must avoid protruding into the unloading area (causing a  
15 side slope greater than 2%), and comply with CBC § 1129B.4.3  
16 and ADAAG § 4.6.3.

17 12. The Motel's accessible parking spaces, and access  
18 aisles must have a 2% (maximum) slope, and comply with CBC §  
19 1129B.4.3 and ADAAG § 4.6.3.

20 13. The Motel must provide a mechanism for gaining entry to  
21 the pool (i.e., a pool lift), and comply with CBC §  
22 1104B.4.3.

23 14. The opening hardware for the Motel's pool gate must be  
24 centered between 30 to 44 inches above the floor, and must  
25 provide opening hardware on the outside of the gate, and  
26 comply with ADAAG § 4.13.9 and CBC §§ 1133B1.1.1.4,  
27 1133B.2.5.2.

28 15. The kick plate for the Motel's pool gate must be a

1 10-inch, smooth and uninterrupted surface, and comply with  
2 CBC §§ 1133B.1.1.1.4, 1133B.2.6.

3 16. The Motel's outside picnic table must be located on an  
4 accessible path of travel that is identified by the  
5 International Symbol of Accessibility ("ISA"), and comply  
6 with ADAAG §§ 4.30.7, 9.1.1 and CBC §§ 1111B.2, 1117B.5.8.1.

7 17. The Motel's accessible parking stall must have a  
8 profile that is 36 inches high by 36 inches wide, and comply  
9 with CBC § 1129B.5(2).

10 18. The doors to the Motel's front office and the night  
11 window must display the ISA and comply with CBC §  
12 1117B.5.8.1 and ADAAG § 4.30.7.

13 19. The Motel must have door landings that are level, and  
14 comply with CBC § 1133B.2.4.2 and ADAAG § 4.13.6.

15 20. The Motel's night check-in window must include a level  
16 landing, and comply with CBC § 1111B.2 and ADAAG § 9.1.1.

17 21. The Motel must provide accessible rooms in accordance  
18 with ADAAG §§ 9, 9.1, and 9.2.

19 22. Room number 102 of the Motel must have the minimum  
20 strike side distance of 24 inches, and comply with CBC §  
21 1133B.2.4.3 and ADAAG § 4.13.6.

22 23. The doors to the Motel's outside restroom and front  
23 office must take no more than 5 pounds of pressure to open,  
24 and comply with CBC § 1133B.2.5 and ADAAG § 4.13.11.

25 24. The Motel's lavatories must be mounted with the rim (or  
26 counter edge) no higher than 34 inches above the finished  
27 floor; have vertical clearance no less than 29 inches  
28 (measured from the bottom of the apron of the lavatory, and

1 reduced to 27 inches at a point located 8 inches back from  
2 the front edge); be a minimum of 18 inches to the centerline  
3 of the fixture (when located adjacent to a sidewall); and  
4 comply with CBC § 1115B.2.1.2.1 and ADAAG § 4.19.2.

5 25. The mirrors of room number 102 and the Motel's outside  
6 restroom must be mounted less than 40 inches above the  
7 finished floor, and comply with CBC § 1115B.9.1 and ADAAG §  
8 4.19.6.

9 26. The Motel's outside restroom must have the hot water  
10 pipes or the drainpipes insulated under the lavatory, and  
11 comply with CBC § 1115B.2.1.2.2 and ADAAG § 4.19.4.

12 27. The Motel's outside restroom must have a paper towel  
13 dispenser that protrudes less than 4 inches from the wall,  
14 and complies with CBC § 1133B.8.6.1 and ADAAG § 4.4.1.

15 28. The Motel's outside restroom must have a soap dispenser  
16 mounted within 40 inches from the finished floor, and comply  
17 with CBC § 1115B.9.2 and ADDAG § 4.23.7.

18 29. The toilet tissue dispenser in room number 102 of the  
19 Motel must be located on the wall within 12 inches of the  
20 front edge of the toilet seat, and comply with CBC §  
21 1115B.9.3.

22 30. The water closet in room number 102 of the Motel must  
23 have the requisite 42-inch minimum clear floor space, and  
24 comply with ADAAG § 4.16.2.

25 31. The grab bars in room number 102 of the Motel must be  
26 located on one side and the back of the accessible toilet  
27 stall or compartment, 33-inches above (and parallel to) the  
28 floor, mounted on the side wall a minimum of 52-inches from

1 the back wall, and comply with CBC § 1115B.8.1 and ADAAG §  
2 4.17.6.

3 32. The water closets in both the outside restroom and room  
4 number 102 of the Motel must be centered 18-inches from the  
5 wall, and comply with CBC § 1115B.7.2 and ADAAG § 4.17.3.

6 33. The Motel's outside restroom must provide 12 inch  
7 clearance between the wall and the grab bar, and comply with  
8 CBC § 1115B.8.2 and ADAAG § 4.26.2.

9 34. The height of the Motel's outside restroom water closet  
10 must be less than 19-inches, and comply with CBC § 1115B.2.1  
11 and ADAAG § 4.16.3.

12 35. The towel and clothes hangers in room number 102 of the  
13 Motel must be located no more than 54 inches (side approach)  
14 or 48 inches (front approach) above the finished floor, and  
15 comply with CBC § 1125B.3 and ADDAG § 4.25.3.

16 36. The phone for the Motel's front office must have a  
17 30-inch by 48-inch clear floor space for either a forward or  
18 parallel approach, and comply with CBC § 1117B.2.2 and ADAAG  
19 § 4.31.2.

20 37. The Motel's front office must have a portion of the  
21 counter that is 36 inches wide and 28 to 34 inches high, and  
22 comply with CBC § 1122B.4 and ADAAG § 7.2.

23 38. The Motel must provide at least one roll-in shower, and  
24 comply with CBC § 1111B.4.2 and ADAAG § 9.1.2.

25 39. Room number 102 of the Motel must provide a 36-inch  
26 clear space around the bed, and comply with CBC § 1111B.4.3  
27 and ADAAG § 9.2.2.

28 40. The table in room number 102 of the Motel must have

1 knee space of at least 27-inches high, 30-inches wide, and  
2 19-inches deep, and comply with CBC § 1122B.3 and ADAAG §  
3 4.32.3.

4 The court declines to provide explicit instructions on the  
5 appropriate means to accomplish this directive, and, instead,  
6 leaves "logistical matters" concerning the implementation in the  
7 capable hands of Defendant. *Fortyune v. Am. Multi-Cinema, Inc.*,  
8 364 F.3d 1075, 1087 (9th Cir. Cal. 2004).

9 **Damages:**

10 Plaintiff is also awarded damages in the amount of \$16,000.

11 **IT IS SO ORDERED:**

12 Dated: May 20, 2005

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14 /s/ Frank C. Damrell Jr.  
15 FRANK C. DAMRELL, JR.  
16 UNITED STATES DISTRICT COURT  
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